



Report of the Monitoring Officer

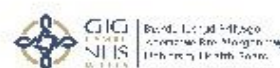
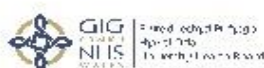
Swansea Bay City Region Joint Committee – 29 October 2019

Letter from the Swansea Bay City Region Joint Scrutiny Committee

Purpose:	To report to the Joint Committee on correspondence received from the Joint Scrutiny Committee.
Policy Framework:	Joint Committee Agreement
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that the Joint Committee:
1)	Consider the recommendations made by the Joint Scrutiny Committee and decide whether any amendments should be made to the Joint Committee Agreement
Report Author:	Tracey Meredith

1. Introduction

- 1.1 The Joint Committee approved amendments to the Joint Committee Agreement at their meeting on 30 July 2019. Constituent Authorities have now all approved the amendments and a deed of variation will be signed shortly by all authorities ratifying the changes made.
- 1.2 The amendments to the Joint Committee Agreement were based on the two reviews undertaken by Actica Consulting Ltd and Pembrokeshire County Council.



2. Joint Committee Agreement amendments

- 2.1 The Pembrokeshire County Council review noted that the Terms of Reference of the Joint Scrutiny Committee restricted their remit to scrutiny of regional projects, scrutiny of individual Authority projects are a matter for the relevant Constituent Authorities Scrutiny Committee. The review considered this detracted from the regional approach of the Swansea Bay City Deal.
- 2.2 To address the review findings the Terms of Reference for the Joint Scrutiny Committee were amended to include the following at Paragraph 2.2:

Scrutiny of individual Authorities projects' shall be a matter for the relevant Constituent Authorities' Scrutiny Committee. Where individual projects have the potential to impact materially on the overall portfolio of the City Deal Projects the Joint Scrutiny Committee may consider provided that the relevant constituent Authority Scrutiny Committee is in agreement and does not wish to undertake scrutiny themselves.

3. Joint Scrutiny Committee letter

- 3.1 Attached at Appendix A is a letter received from the Chair of the Joint Scrutiny Committee dated 13 September 2019.
- 3.2 At their meeting on 2 September they considered the Joint Committee Agreement following which they wished the Joint Committee to consider the following prior to finalising the Agreement:
- (a) A reduction in the quorate number of the Joint Scrutiny Committee to 6.
 - (b) Clause 9.3 to be rewritten to provide additional clarity on what is being indemnified and by whom.
 - (c) The caveat requiring the Joint Scrutiny Committee to seek permission of the constituent Authority Scrutiny Committee be removed.
- 3.3 In relation to the quorate number there is unlikely to be any issue with reducing the quorate to 6. The present Agreement provides for a quorate of 8 which must include at least 1 member from each of the 4 authorities.
- 3.4 In relation to clause 9.3 this is standard wording for an indemnity clause designed to protect the Accountable Body as employer of the Programme Director and Portfolio Management Office but recognising that the Programme Director receives his instructions from and is accountable to the Joint Committee. Therefore if the Programme Director or Portfolio Management Office act in a way that causes any loss to the Councils arising from an instruction given by the Joint Committee, then the Councils agree to share those losses equally. Where such losses

arise as a result of the Accountable Body's negligent actions as employer of the Programme Director or Portfolio Management Office, then those losses will be borne by Carmarthenshire County Council. In the circumstances it is considered that the clause is appropriately worded from a legal perspective.

- 3.5 The caveat around the Joint Scrutiny of individual projects was inserted to protect the integrity of individual constituent scrutiny committees and to avoid any potential for duplication of work. Individual scrutiny committees would be expected to be sympathetic to any request by the Joint Scrutiny Committee and work with the Committee to avoid any duplication of scrutiny work. It is not felt appropriate to remove the caveat but it is suggested that any requests for joint scrutiny are monitored and should there be any issues then the matter can be reconsidered by the Joint Committee as to whether the Terms of Reference do need further amending.

4. Equality and Engagement Implications

- 4.1 There are no specific equality or engagement implications associated with this report.

5. Financial Implications

- 5.1 There are no financial implications associated with this report.

6. Legal Implications

- 6.1 All authorities have now approved the version of the Joint Committee Agreement which was approved by the Joint Committee. The deed of variation is awaiting sign off subject to government approval. Any further amendments may result in further delay.

Background Papers: Joint Committee Agreement

Appendices:

Appendix A Letter from Joint Scrutiny Committee dated 13 September 2019